

03-0-0573

(Do Not Write Above This Line)

AN ORDINANCE

BY

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO BEGIN NEGOTIATIONS AND SETTLEMENT FOR ACQUISITION OF LAND IN NORTH BUCKHEAD IN THE CITY OF ATLANTA, WHEREAS THE TOTAL PRICE OF ACQUISITION IS NOT TO EXCEED \$425,000, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AUTHORIZING THE USE OF CONDEMNATION PROCEEDINGS FOR THE TARGETED PROPERTIES IF NECESSARY; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.

ADOPTED BY

MAY 0 5 2003

COUNCIL

- ☒ **CONSENT REFER**
☐ **REGULAR REPORT REFER**
☐ **ADVERTISE & REFER**
☐ **1st ADOPT 2nd READ & REFER**

Date Referred 4/21/03

Referred To:

Finance / Circulative

Committee Date 4/21/03
 Chair 4/21/03

Committee Finance / Executive

Date 4/30/03

Chair 4/30/03

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

C.T. Martin

John A. Starnes

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED

MAY 0 5 2003

ATLANTA CITY COUNCIL PRESIDENT

Arthur W. Herbert

CERTIFIED

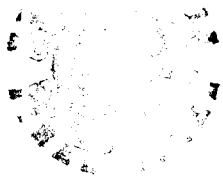
MAY 0 5 2003

Ruth D. Douglas
 MUNICIPAL CLERK

MAYOR'S ACTION

MAY 1 3 2003

MAYOR



AN ORDINANCE

03-0-0573

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO BEGIN NEGOTIATIONS AND SETTLEMENT FOR ACQUISITION OF LAND IN NORTH BUCKHEAD IN THE CITY OF ATLANTA, WHEREAS THE TOTAL PRICE OF ACQUISITION IS NOT TO EXCEED \$425,000, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AUTHORIZING THE USE OF CONDEMNATION PROCEEDINGS FOR THE TARGETED PROPERTIES IF NECESSARY; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.

WHEREAS, a parcel of land in the North Buckhead community adjacent to Little Nancy Creek ("the Property") is being offered for sale; and

WHEREAS, the site contains one of the last remaining significant wetlands in the City of Atlanta; and

WHEREAS, Ordinance 03-O-0392 proposes the allocation of FY01 Georgia Greenspace (Fulton) grant funds to cover the cost of this project; and

WHEREAS, the Blue Heron Nature Preserve, Inc., has agreed to adopt the site for maintenance purposes.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

SECTION 1: That the Mayor or her designee is hereby authorized to negotiate with the property owner to purchase, trade, or transfer of approximately 8.5 acres of real property located at the end of Emma Lane, as shown and described in the attached Exhibit.

SECTION 2: That fund, account, and center number 1B02-771001-Y63D1013KTA0, Nancy Creek Trail and Greenway Corridor is to be used for the payment of charges, including but not limited to surveys, environmental assessments, appraisals, title reports, and other closing costs, but excluding consultant service fees, as required by the funding source, in an amount not to exceed \$425,000.

SECTION 3: That consultant services for acquisition of the properties shall be charged to and paid from fund account center 1C28 771001 Y63D10139991 in an amount not to exceed \$3,260.

SECTION 4: That the Mayor or her designee is hereby authorized to obtain surveys, title reports, and appraisals and to establish just compensation based thereon to be offered the property owner.

SECTION 5: That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.



SECTION 6: That the City's Consultant is authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) above the estimated just compensation. The Mayor or her designee is authorized to administratively settle, with appropriate substantiating documentation, e.g. appraisal report, without further authorization of City Council, those acquisitions which exceed the limitations which the City's Consultant cannot otherwise acquire.

SECTION 7: That if negotiations with the affected property owners fail, the City Attorney is authorized to use all means necessary and within her/his power, up to and including Condemnation to acquire the necessary real property interests; and, the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

SECTION 8: That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

SECTION 9: That the City Attorney, or her/his designee, is hereby authorized to monitor and supervise the closing transactions, performed by Consultants, with affected property owners.

SECTION 10: That the deed for each tract is to be recorded containing appropriate covenants, restrictions or easements as necessary in order to satisfy the requirements of the Georgia Greenspace Program, which shall provide that the Property shall be permanently preserved as greenspace with passive recreation for the benefit of the public.

SECTION 11: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

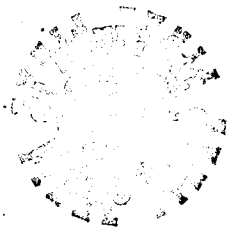
A true copy,

A handwritten signature in black ink, appearing to be "Lisa [unclear]", is written over the text "A true copy," and the title "Deputy Clerk".

Deputy Clerk

ADOPTED by the City Council
APPROVED by the Mayor

May 5, 2003
May 13, 2003



AN ORDINANCE

03-O- 0392

**BY Councilmembers: Cleta Winslow, CT Martin, Felicia A. Moore and Derrick Boazman
AS SUBSTITUTED BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE TRANSFERRING APPROPRIATIONS IN THE
AMOUNT OF \$619,241.04 FROM AND TO VARIOUS
ACCOUNTS FOR THE PURPOSE OF ACQUIRING LAND FOR
GREENSPACE PROJECTS; AND FOR OTHER PURPOSES.**

WHEREAS, Ordinance 01-O-1697, adopted by the Council on November 19, 2001, and approved by the Mayor on November 27, 2001, allocated FY 2001 Georgia Greenspace (Fulton) grant funds to various accounts to cover the cost of land acquisition for parks and greenspace in certain project areas around the City of Atlanta, and listed project area priorities for Phase 1 and Phase 2; and

WHEREAS, Ordinances 02-O-0699 and 02-O-1255 anticipated and appropriated FY 2002 Georgia Greenspace (Fulton) grant funds in the amount of \$2,377,611 for greenspace acquisition throughout the City; and

WHEREAS, FY 2001 Georgia Greenspace Program grant funds have an expenditure deadline of June 30, 2003; and

WHEREAS, Projects identified in some Phase 1 project areas will not be completed by the expenditure deadline; and

WHEREAS, Projects identified in some of the Phase 2 project areas will be able to meet the expenditure deadline; and

WHEREAS, the funds transferred from Phase 1 project areas shall be replaced with FY 2002 funds, which have an expenditure deadline of June 30, 2004.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:


SECTION 1: That the Chief Financial Officer transfer funds from and to various project accounts as follows:

Transfer from Appropriations

1B02-771001-Y63D1003KTA0	Venetian Hills/Oakland City Parks and Open Space	\$ 250,000
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Transfer to Appropriations

1B02-771001-Y63D1005KTA0	NW Atlanta Framework Plan Parks and Open Space/ Proctor Creek Trail and Greenway Corridor	80,000
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1B02-771001-Y63D1013KTA0

Nancy Creek Trail & Greenway Corridor

\$170,000

TOTAL

\$250,000

Transfer from Appropriations

1B02-771001-Y63D1002KTA0

Memorial Dr./MLK Dr./Rail
Corridor/Cabbagetown Parks and Open
Space

\$ 225,000

Transfer to Appropriations

1B02-771001-Y63D1013KTA0

Nancy Creek Trail & Greenway Corridor

\$ 225,000

TOTAL

\$ 225,000

Transfer from Appropriations

1B02-771001-Y63D1006KTA0

Vine City/English Ave./Ashby/Simpson
Corridor Parks and Open Space

\$134,241.04

Transfer to Appropriations

1B02-771001-Y63D1001KTA0

Southtowne Trail and Greenway Corridor

\$104,241.04

1B02-771001-Y63D1013KTA0

Nancy Creek Trail & Greenway Corridor

\$ 30,000.00

TOTAL

\$134,241.04

Transfer from Appropriations

1C28 792050 T31X04109991

Park Impact Fees
Reserve Designated – D.I.F. Admin

\$ 10,000

Transfer to Appropriations

Real Estate Services

1C28 771001 Y63D10139991

Nancy Creek Trail/Greenway Corridor

\$ 3,260

1C28 771001 Y63D10019991

Southtowne Trail/Greenway Corridor

\$ 3,620

1C28 771001 Y63D10059991

NW Atlanta Framework Plan Parks

\$ 3,120

TOTAL

\$ 10,000

TOTAL - ALL FUNDS

\$619,241.04

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon
(for review & distribution to Executive Management)

Commissioner Signature <u>[Signature]</u>	Director Signature <u>[Signature]</u>
From: <u>Department of Planning & Community Development</u>	Contact (name): <u>Susan Rutherford</u> ext. 6787
Committee(s) of Purview: <u>Finance/Executive</u>	Committee Deadline: <u>3/21/03</u>
Committee Meeting Date: <u>4/1 & 4/29, 2003</u>	City Council Meeting Date: <u>4/21 & 5/5/2003</u>

CAPTION:

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO BEGIN NEGOTIATIONS AND SETTLEMENT FOR ACQUISITION OF LAND IN NORTH BUCKHEAD IN THE CITY OF ATLANTA, WHEREAS THE TOTAL PRICE OF ACQUISITION IS NOT TO EXCEED \$425,000, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AUTHORIZING THE USE OF CONDEMNATION PROCEEDINGS FOR THE TARGETED PROPERTIES IF NECESSARY; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

This acquisition will acquire and preserve one of the last remaining significant wetlands in the City of Atlanta.

FINANCIAL IMPACT (IF ANY):

Up to \$425,000 to purchase. There will be no major development of the property, in accordance with the funding source requirements. The Blue Heron Nature Preserve, a 501 (c) 3 organization, will adopt the property under Park Pride's "Adopt-A-Park" program for maintenance.

Received by Mayor's Office: [Signature] 3-18-03 (date)

Reviewed: [Signature] (initials)

Submitted to Council: _____ (date)

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended ☐ Substitute ☐ Referred ☐ Other



SECTION 6: That the City's Consultant is authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) above the estimated just compensation. The Mayor or her designee is authorized to administratively settle, with appropriate substantiating documentation, e.g. appraisal report, without further authorization of City Council, those acquisitions which exceed the limitations which the City's Consultant cannot otherwise acquire.

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SECTION 10: That the deed for each tract is to be recorded containing appropriate covenants, restrictions or easements as necessary in order to satisfy the requirements of the Georgia Greenspace Program, which shall provide that the Property shall be permanently preserved as greenspace with passive recreation for the benefit of the public.

SECTION 11: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

RCS# 4709
5/05/03
6:24 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-15: Except 03-R-0616; 03-O-0672
 03-R-0629; 03-O-0449
 ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

5/05/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda**Items Adversed on the
Consent Agenda**

- | | |
|---------------|---------------|
| 1. 03-O-0654 | 36. 03-R-0624 |
| 2. 03-O-0657 | 37. 03-R-0625 |
| 3. 03-O-0664 | 38. 03-R-0626 |
| 4. 03-O-0673 | 39. 03-R-0606 |
| 5. 03-O-0674 | 40. 03-R-0609 |
| 6. 03-O-0675 | 41. 03-R-0610 |
| 7. 03-O-0676 | 42. 03-R-0611 |
| 8. 03-O-0548 | 43. 03-R-0612 |
| 9. 03-O-0666 | 44. 03-R-0613 |
| 10. 03-O-0652 | 45. 03-R-0614 |
| 11. 03-O-0107 | 46. 03-R-0615 |
| 12. 03-O-0495 | 47. 03-R-0630 |
| 13. 03-O-0540 | 48. 03-R-0659 |
| 14. 03-O-0567 | 49. 03-R-0694 |
| 15. 03-O-0568 | 50. 03-R-0627 |
| 16. 03-O-0573 | 51. 03-R-0635 |
| 17. 03-O-0594 | 52. 03-R-0636 |
| 18. 03-O-0661 | 53. 03-R-0637 |
| 19. 02-O-0680 | 54. 03-R-0638 |
| 20. 03-O-0435 | 55. 03-R-0639 |
| 21. 03-O-0547 | 56. 03-R-0640 |
| 22. 03-R-0596 | 57. 03-R-0645 |
| 23. 03-R-0597 | |
| 24. 03-R-0599 | |
| 25. 03-R-0603 | |
| 26. 03-R-0604 | |
| 27. 03-R-0605 | |
| 28. 03-R-0607 | |
| 29. 03-R-0366 | |
| 30. 03-R-0618 | |
| 31. 03-R-0619 | |
| 32. 03-R-0620 | |
| 33. 03-R-0621 | |
| 34. 03-R-0622 | |
| 35. 03-R-0623 | |

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|---------------|
| 58. 03-R-0641 |
| 59. 03-R-0642 |
| 60. 03-R-0643 |
| 61. 03-R-0644 |
| 62. 03-R-0646 |

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4709) (1st Consent Vote: 13Yeas; 0 Nays
(See RCS #4667); Reconsidered:12 Yeas; 1 Nay (See RCS #4708))
Items Removed from the Consent Agenda: 03-R-0616; 03-O-0672; 03-R-0629; 03-O-0449